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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,295	12/12/2003	Shinji Ohnishi	03500.017813.	2528
5514 7590 07/31/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
07/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,295

Applicant(s)

OHNISHI, SHINJI

Examiner

LIN LIU

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed on 06/23/2009.

Claims 7-18 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ayyagari et al. (PGPUB: US 2001/0033554 A1) in view of Park (PGPUB: US 2002/0111138 A1)

With respect to **claim 7**, Ayyagari teaches a communication apparatus capable of connecting to a network including a plurality of transmission media and capable of controlling a controlled device having a predetermined function, comprising:

a device detecting unit that (a) detects the controlled device among a plurality of devices connected to the network (Ayyagari: pages 5-6, paragraph 56 & 58), and (b) obtains an IP address of the controlled device (Ayyagari: page 6, paragraph 63);

a communication unit that transmits a request for inquiring whether the controlled device having the obtained IP address is connected to a predetermined transmission medium (Ayyagari: pages 5-6, paragraph 56), the communication apparatus being directly connected to the predetermined transmission medium, the request being transmitted via the predetermined transmission medium (Ayyagari: page 7, paragraph 65); and

a determining unit that determines whether the communication apparatus and the controlled device are directly connected to the predetermined transmission medium (Ayyagari: page 4, paragraph 46 and page 5, paragraph 56), wherein the determining unit (a) determines that the communication apparatus and the controlled device are directly connected to the predetermined transmission medium, if a response corresponding to the request is received from the controlled device (Ayyagari: page 7, paragraphs 65-66), and (b) determines that the communication apparatus and the controlled device are not directly connected to the predetermined transmission medium, if no response to the request is received from the controlled device (Ayyagari: page 4, paragraphs 42 & 46, and page 7, paragraphs 66-70, noted that since the protocols used

in Ayyagari's invention includes BLUETOOTH and UpnP, and upon failure to receive response due to time out from the external device, it implies that both devices are not directly connected using the same protocol.),

However, Ayyagari does not explicitly teach a method of displaying warning information if the determining unit determines that the communication apparatus and the controlled device are not directly connected to the predetermined transmission medium.

In the same field of endeavor, Park teaches a method of displaying warning information if the determining unit determines that the communication apparatus and the controlled device are not directly to the predetermined transmission medium (Park: pages 2-3, paragraphs 23-24, noted that the controller recognizes the failure of link connection and displays a message indicating the link connection failure).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of displaying a warning message as taught by Park in the piconet device of Ayyagari's invention in order to notify the user and avoid endless attempts to connect to the device (Park: page 2, paragraphs 23-24).

With respect to **claim 8**, Ayyagari teaches all of the claimed limitations except that he does not explicitly teach a method of displaying the warning information on a display unit of the communication apparatus.

In the same field of endeavor, Park teaches a method of displaying warning information on a display unit of the communication apparatus (Park: pages 2-3, paragraphs 23-24). Same motivation used in claim 7 applies equally as well to claim 8.

With respect to **claim 9**, Ayyagari teaches all of the claimed limitations except that he does not explicitly teach a method of displaying the warning information on a display unit of an external device.

In the same field of endeavor, Park teaches a method of displaying warning information on a display unit external of the communication apparatus (Park: pages 2-3, paragraphs 23-24). Same motivation used in claim 7 applies equally as well to claim 9.

With respect to **claim 10**, Ayyagari teaches the communication apparatus according to claim 7, wherein the device detecting unit uses UPnP (Universal Plug and Play) to detect the controlled device and to obtain the IP address of the controlled device (Ayyagari: pages 5-6, paragraph 56).

Regarding **claims 11-18**, the limitations of these claims are substantially the same as those in claims 7-10. Therefore the same rationale for rejecting claims 7-10 are used to reject claims 11-18. By this rationale **claims 11-18** are rejected.

Response to Arguments

5. Applicant's arguments with respect to claims 7-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/MIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445